

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RONDA L. MARSH, and all others
similarly situated;

Plaintiff,

vs.

PHELPS COUNTY, GENE
SAMUELSON, Individually and in his
official capacity as Sheriff; PENNY
GREGG, AND Individually and in her
official capacity as Phelps County
Corrections Lieutenant; and LOUIS P.
CAMPANAJR., Individually and in his
official capacity as Corrections Officer;

Defendants.

4:16CV3032

FINDINGS AND ORDER

Plaintiff and all defendants (other than Defendant Campana in his individual capacity) have filed a motion to sever. (Filing No. 25). The stated purpose of the motion to sever is to afford the moving parties, all of whom consented in writing to final resolution by the undersigned magistrate judge, the opportunity for a full and final determination of this case, both at the trial court level and on appeal. That opportunity is currently hindered by Defendant Campana's failure to respond to Plaintiff's properly served complaint.

Accordingly,

The undersigned magistrate judge hereby finds:

1) The Joint Motion to Sever, (Filing No. 25), should be granted, with Plaintiff's claims against Defendant Campana in his individual capacity severed from the remainder of the case and reassigned to a district judge for final resolution.

2) As to Plaintiff's claims against all defendants other than Defendant Campana in his individual capacity, Plaintiff and all defendants (other than Defendant Campana in his individual capacity) have consented to final disposition by the undersigned magistrate judge.

IT IS ORDERED:

- 1) Any objection to the findings above, including any objection:
 - a) by Defendant Campana to the motion to sever, (Filing No. 25), or
 - b) by any party as to a finding that Plaintiff and all defendants (other than Campana in his individual capacity) consented to final resolution by the undersigned magistrate judge,must be filed on or before January 5, 2017.
- 2) If no objection to the above findings is filed on or before January 5, 2017, the undersigned magistrate judge will:
 - a) Order the severance requested in the pending Joint Motion, (Filing No. 25), and request a reassignment of Plaintiff's claims against Campana in his individual capacity to a district judge; and
 - b) As to Plaintiff's claims against all defendants (other than Campana in his individual capacity), enter a separate final judgment in accordance with the summary judgment ruling previously entered by the undersigned magistrate judge, (Filing No. 23).
- 3) The conference call set for today at 2:00 p.m. is cancelled.

- 4) The clerk shall:
- a) Set a case management deadline for January 6, 2017 to check on the status of this case.
 - b) Enter a default against Defendant Campana in his individual capacity and in favor of Plaintiff.
 - b) Mail a copy of this document to:

Louis P. Campana, Jr.
311 E 3rd Street, Apt 7
Grand Island NE 68801

December 22, 2016.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge